(d) The persons found involved in smuggling activities are penalised in departmental adjudications and prosecuted in courts of law in suitable cases. They are also liable for detention under the preventive detention law, if considered necessary.

[*English*]

Refund of Over-Subscribed Amount by Companies

*238. SHRI SANAT KUMAR MANDAL: Will the Minister of FINANCE be pleased to state:

(a) whether the Securities and Exchange Board of India (SEBI) has detected a few cases where large companies are yet to refund over-subscribed portion of public issues;

(b) if so, the names of these companies;

(c) its impact on the capital market with the investors getting a bad deal; and

(d) the action taken or proposed to be taken by the Government for the refund of over-subscriptions and the interest accrued thereon by these large companies?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI RAMESHWAR THAKUR): (a) to (d). SEBI has been receiving complaints from investors regarding delay and non-receipt of refund orders. SEBI has been taking up these complaints with the companies for redressal and with the Department of Company Affairs in appropriate cases. The names of companies having the largest number of complaints are given in the Press Releases issued by SEBI from time to time.

2. Prompt repayment of refund orders by companies would facilitate further investments in the capital market.

3. Provisions of Section 73 of the Companies Act, 1956 provide for a time-limit of 10 weeks from the date of closure of the subscription list of a public issue for despatch of refund orders to the investors. Companies are also required to pay interest upto a maximum rate of 15% per annum for the period of delay as per the Rules prescribed under the said Section. The Department of Company Affairs has informed that as and when a complaint about non-refund of excess application money is received, it is taken up with the company concerned for necessary action. Further, prosecution in cases of default is also considered where justified.

Repatriation of Dividends by Foreign Share-Holding Companies

*239. SHRI KARIA MUNDA: Will the Minister of FINANCE be pleased to state:

(a) whether some companies with foreign share holdings which have not paid huge amount of taxes/duties to the Government have been permitted to use foreign exchange amounting to Rupees one core or more during 1990-91 for repatriation of dividends abroad; and

(b) if so, the names of such companies and the amount so repatriated by each one of them?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI RAMESHWAR THAKUR):(a) and (b). Details regarding FERA companies who were allowed repatriation of dividends In excess of Rs. 1 crore during 1989-90 i.e. the latest year for which data are available and which have liabilities relating to taxes/duties are as follows:-

STATEMENT

Sl. No.	Name of the Company	Amount of dividend repatriated in 1989-90	Central Excise Arrears as on 1-6-91	Arrears of customs duties as on 30.6.91	Arrears of income tax as on 30-6-1991.
1	2	3	4	5	6
1.	Asian Hotels Ltd., N. Delhi.	1.40	—	—	*
2.	Assam Co. (I) Ltd., Calcutta.	3.01	—	—	0.43
3.	Bayer (I) Ltd., Bombay.	1.86	—	—	*
4.	Chloride Industries Ltd., Calcutta.	3.69	0.86	—	5.85
5.	Doom Dooma India Ltd., Calcutta.	1.48	—	—	0.80
6.	George Williamson (Assam) Ltd. Caluctta.	1.32	—	0.17	2.63
7.	Goodricke Group Pvt. Ltd., Caluctta.	2.59	—	—	1,76
8.	Goodyear India Ltd., New Delhi	1.34	2.04	—	3.22
9.	Hindustan Lever Ltd.k, Bombay	6.42	3.40	0.12	1.75
10.	ICI India Ltd., Caluctta	2.04	2.39	—	23.48
11.	Ingersoll Rand (I), Bombay.	1.97	—	—	1,27
12.	Johnson & Johnson Ltd. Bombay.	2.53	1.82	—	0.11

Sl. No.	Name of the Company	Amount of dividend repatriated in 1989-90	Central Excise Arrears as on 1-6-91	Arrears of customs duties as on 30.6.91	Arrears of income tax as on 30-6-1991
1	2	3	4	5	6
13.	Kirloskar Cummins Ltd., Pune.	1.11	—	—	*
14.	Motor Industries Co. Ltd., Bangolare.	1.16	—	—	0.75
15.	Siemens India Ltd., Bombay.	2.49	—	—	0.51
16.	Tea Estates India Ltd. Coonoor	1.83	—	—	*
17.	Tribeni Tissues Ltd., Calcutta.	1.06	—	—	0.13
18.	Warren Tea Ltd., Calcutta	1.93	—	—	0.52
19.	Zuari Agro Chemicals Ltd. Goa.	1.30	—	—	2.98

* Arrears of Income Tax, if any, is less than Rs. 10lakhs in each case.